

EXHIBIT A

From: Jennifer Dorminey Herzog jherzog@hallboothsmith.com 
Subject: Subpoenas to Coffee County Board of Elections and Registration and Cheney - Curling v. Raffensperger
Date: July 26, 2022 at 4:16 PM
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JH

Good afternoon,

Please accept this correspondence as a global response to a number of emails received from both Curling and Coalition Plaintiffs' counsel over the last several days:

- 1. Subpoena for Cheney and 30b6 to BOE (from Curling Plaintiffs):** I have spoken with Mr. Cheney and he and counsel will be available Friday August 12 or Monday August 15 in Coffee County, Georgia for his deposition. I am working on location but we are considering the use of the Chamber of Commerce or rooms at the Coffee County Courthouse and currently checking availability, conditional upon # of attendees expected. Although there are a number of topics in the original 30b6 subpoena received from Curling Plaintiffs to which I am told no Board member or staff can testify (which I will detail more fully to you in separate correspondence), Mr. Cheney will also be appearing as the 30b6 deponent for the Coffee County Board of Elections and Registration. Once we have agreed upon a date/time, I have authority to and will accept service of revised subpoenas. *[I have not received your response to initial requests sent on 7/12/22 - Can you give me an expected # of attendees and will/will there not be a virtual option? Respond all to the Cross Notice of Barnes depo for scheduling purposes to ensure all attorneys included or will you be handling communication with defense counsel, Earnestine Thomas' personal counsel, and Misty Hampton's counsel as applicable once date is provided?]*
- 2. Subpoena for Production of Documents to BOE and to Cheney (from Curling Plaintiffs):** Based on the fact that we will not be re-producing documents previously produced to Ms. Marks in response to open records requests, I expect the document production as far as number of actual papers to be limited with regard to the original subpoena issued. Barring any unforeseen circumstances I am hopeful those will be able to be delivered to you electronically by the close of business on Monday August 1st, 2022. You are correct that it is my understanding that Coffee County has recently been able to recover the items on Misty Hampton's Coffee County issued phone. My intent if you are agreeable is to produce the documents provided to me with the information contained on the phone, redact any personal cell numbers while leaving names and the substance of all communications – and produce these records of the phone in their entirety to you. I understand from Mr. Delk that there was testimony from James Barnes' recent deposition that there was an "old gray laptop" in the elections' office – As I have communicated to Ms. Marks' previously, I was told there was no county issued laptop to the Board of Elections and Registration or its staff and have confirmed that fact again this morning. But in light of Mr. Barnes' testimony, I am doing my best to confirm the existence/location of any "old gray laptop" that is or was previously in the Coffee BOE office so that we can confirm accurately we have

provided everything responsive in Coffee County's possession. Please note:

- a. Members of the Board of Elections and Registration of Coffee County do not have county assigned email addresses, with the exception of Chairwoman Earnestine Clark who has been only recently assigned a county email address. Personal emails or text messages may or may not be located on individual board members private accounts. However, certain board members have joined and/or left the Board during the time period requested. I have requested that all current board members produce any Coffee County related responsive documents for the time period requested in their personal possession and will provide in response to the subpoenas, unless otherwise privileged.
- b. IT support has confirmed that the former Election Supervisor Misty Hampton's email account is no longer accessible. I previously personally asked IT to again re-double their efforts to be absolutely sure this is the case and same was confirmed. (see further explanation in my original email at the bottom of this chain).
2. **Privilege Log:** We will provide a general privilege log with the formal response to the subpoena for production of documents that generally references the type of documents being withheld (it is my understanding that the only documents originally withheld potentially responsive to your subpoena were based upon attorney client privilege and/or attorney client work product – ie, communications between members of our office, communications between members of our office and our client, etc.).
4. **Subpoena for Production of Documents to BOE and 30b6 to BOE (Coalition Plaintiffs)** – Yesterday afternoon I received a request to accept service for a 30b6 subpoena and subpoena for production of documents to Coffee BOE from Coalition Plaintiffs containing 50 requests that will take a significant amount of time and effort to properly review and respond to. Friday afternoon I also received a request to accept service of a subpoena and production of documents to Cheney from Coalition Plaintiffs. Obviously these were not part of the original agreement and therefore we need to discuss timing for production of records and deposition (it makes sense to me to do them all at once and I am currently in the process of determining what records may be in existence responsive to these subpoenas – but practically they are significant in both length and scope and I want to be sure the board members and staff have time to review them carefully and respond in full. We may need to agree to produce all records 1 week prior to the depositions (instead of 2) to include these subpoenas in the previous agreement and still get the depositions conducted on the time line agreed upon, or push the depositions back a week or two.). Again, once we have agreed upon a date/time, I have authority to and will accept service of revised subpoenas.
5. **Is the Latham deposition going forward Thursday?** As previously stated, counsel for our office would like the opportunity to attend these Coffee County related depositions.
6. Will you please provide the attachments to your respective subpoenas in word version to me to ease burden of typing.

I trust this correspondence responds to all issues in the various emails sent, but if I have overlooked anything please advise. Thank you,

Jennifer

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